

Calendar No. 790

106TH CONGRESS
2D SESSION**S. 1925****[Report No. 106–400]**

To promote environmental restoration around the Lake Tahoe basin.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 1999

Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 7, 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To promote environmental restoration around the Lake
Tahoe basin.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Tahoe Restora-
5 tion Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) Lake Tahoe, one of the largest, deepest,
4 and clearest lakes in the world, has a cobalt blue
5 color, a unique alpine setting, and remarkable water
6 clarity, and is recognized nationally and worldwide
7 as a natural resource of special significance;

8 (2) in addition to being a scenic and ecological
9 treasure, Lake Tahoe is one of the outstanding rec-
10 reational resources of the United States, offering
11 skiing, water sports, biking, camping, and hiking to
12 millions of visitors each year, and contributing sig-
13 nificantly to the economies of California, Nevada,
14 and the United States;

15 (3) the economy in the Lake Tahoe basin is de-
16 pendent on the protection and restoration of the nat-
17 ural beauty and recreation opportunities in the area;

18 (4) Lake Tahoe is in the midst of an environ-
19 mental crisis; the Lake's water clarity has declined
20 from a visibility level of 105 feet in 1967 to only 70
21 feet in 1999, and scientific estimates indicate that if
22 the water quality at the Lake continues to degrade,
23 Lake Tahoe will lose its famous clarity in only 30
24 years;

25 (5) sediment and algae-nourishing phosphorous
26 and nitrogen continue to flow into the Lake from a

1 variety of sources, including land erosion, fertilizers,
2 air pollution, urban runoff, highway drainage,
3 streamside erosion, land disturbance, and ground
4 water flow;

5 (6) methyl tertiary butyl ether—

6 (A) has contaminated and closed more
7 than $\frac{1}{3}$ of the wells in South Tahoe; and

8 (B) is advancing on the lake at a rate of
9 approximately 9 feet per day;

10 (7) destruction of wetlands, wet meadows, and
11 stream zone habitat has compromised the Lake's
12 ability to cleanse itself of pollutants;

13 (8) approximately 40 percent of the trees in the
14 Lake Tahoe basin are either dead or dying, and the
15 increased quantity of combustible forest fuels has
16 significantly increased the risk of catastrophic forest
17 fire in the Lake Tahoe basin;

18 (9) as the largest land manager in the Lake
19 Tahoe basin, with 77 percent of the land, the Fed-
20 eral Government has a unique responsibility for re-
21 storing environmental health to Lake Tahoe;

22 (10) the Federal Government has a long history
23 of environmental preservation at Lake Tahoe,
24 including—

1 (A) congressional consent to the establish-
2 ment of the Tahoe Regional Planning Agency in
3 1969 (Public Law 91-148; 83 Stat. 360) and
4 in 1980 (Public Law 96-551; 94 Stat. 3233);

5 (B) the establishment of the Lake Tahoe
6 Basin Management Unit in 1973; and

7 (C) the enactment of Public Law 96-586
8 (94 Stat. 3381) in 1980 to provide for the ac-
9 quisition of environmentally sensitive land and
10 erosion control grants;

11 (11) President Clinton renewed the Federal
12 Government's commitment to Lake Tahoe in 1997
13 at the Lake Tahoe Presidential Forum, when he
14 committed to increased Federal resources for envi-
15 ronmental restoration at Lake Tahoe and estab-
16 lished the Federal Interagency Partnership and Fed-
17 eral Advisory Committee to consult on natural re-
18 sources issues concerning the Lake Tahoe basin;

19 (12) the States of California and Nevada have
20 contributed proportionally to the effort to protect
21 and restore Lake Tahoe, including—

22 (A) expenditures—

23 (i) exceeding \$200,000,000 by the
24 State of California since 1980 for land ac-
25 quisition, erosion control, and other envi-

1 ronmental projects in the Lake Tahoe
2 basin; and

3 (ii) exceeding \$30,000,000 by the
4 State of Nevada since 1980 for the pur-
5 poses described in clause (i); and

6 (B) the approval of a bond issue by voters
7 in the State of Nevada authorizing the expendi-
8 ture by that State of an additional
9 \$20,000,000; and

10 (13) significant additional investment from
11 Federal, State, local, and private sources is needed
12 to stop the damage to Lake Tahoe and its forests,
13 and restore the Lake Tahoe basin to ecological
14 health.

15 (b) PURPOSES.—The purposes of this Act are—

16 (1) to enable the Forest Service to plan and im-
17 plement significant new environmental restoration
18 activities and forest management activities to ad-
19 dress the phenomena described in paragraphs (4)
20 through (8) of subsection (a) in the Lake Tahoe
21 basin;

22 (2) to ensure that Federal, State, local, re-
23 gional, tribal, and private agencies continue to work
24 together to improve water quality and manage Fed-

1 eral land in the Lake Tahoe Basin Management
2 Unit; and

3 ~~(3) to provide funding to local governments for~~
4 erosion and sediment control projects on non-Fed-
5 eral land.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ENVIRONMENTAL THRESHOLD CARRYING
9 CAPACITY.—The term “environmental threshold ear-
10 rying capacity” has the meaning given the term in
11 Article II of the Tahoe Regional Planning Compact
12 set forth in the first section of Public Law 96–551
13 (94 Stat. 3235).

14 (2) FIRE RISK REDUCTION ACTIVITY.—

15 (A) IN GENERAL.—The term “fire risk re-
16 duction activity” means an activity that is nec-
17 essary to reduce the risk of wildfire to promote
18 forest management and simultaneously achieve
19 and maintain the environmental threshold ear-
20 rying capacities established by the Planning
21 Agency in a manner consistent, where applica-
22 ble, with chapter 71 of the Tahoe Regional
23 Planning Agency Code of Ordinances.

24 (B) INCLUDED ACTIVITIES.—The term
25 “fire risk reduction activity” includes—

- 1 (i) prescribed burning;
- 2 (ii) mechanical treatment;
- 3 (iii) road obliteration or reconstrue-
- 4 tion; and
- 5 (iv) such other activities consistent
- 6 with Forest Service practices as the Sec-
- 7 retary determines to be appropriate.

8 ~~(3) PLANNING AGENCY.—~~The term “Planning
 9 Agency” means the Tahoe Regional Planning Agen-
 10 cy established under Public Law 91–148 (83 Stat.
 11 360) and Public Law 96–551 (94 Stat. 3233).

12 ~~(4) PRIORITY LIST.—~~The term “priority list”
 13 means the environmental restoration priority list de-
 14 veloped under section 6.

15 ~~(5) SECRETARY.—~~The term “Secretary” means
 16 the Secretary of Agriculture, acting through the
 17 Chief of the Forest Service.

18 **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MAN-**
 19 **AGEMENT UNIT.**

20 (a) ~~IN GENERAL.—~~The Lake Tahoe Basin Manage-
 21 ment Unit shall be administered by the Secretary in ac-
 22 cordance with this Act and the laws applicable to the Na-
 23 tional Forest System.

24 (b) ~~RELATIONSHIP TO OTHER AUTHORITY.—~~

1 (1) PRIVATE OR NON-FEDERAL LAND.—Noth-
 2 ing in this Act grants regulatory authority to the
 3 Secretary over private or other non-Federal land.

4 (2) PLANNING AGENCY.—Nothing in this Act
 5 affects or increases the authority of the Planning
 6 Agency.

7 (3) ACQUISITION UNDER OTHER LAW.—Noth-
 8 ing in this Act affects the authority of the Secretary
 9 to acquire land from willing sellers in the Lake
 10 Tahoe basin under any other law.

11 **SEC. 5. CONSULTATION WITH PLANNING AGENCY AND**
 12 **OTHER ENTITIES.**

13 (a) IN GENERAL.—With respect to the duties de-
 14 scribed in subsection (b), the Secretary shall consult with
 15 and seek the advice and recommendations of—

16 (1) the Planning Agency;

17 (2) the Tahoe Federal Interagency Partnership
 18 established by Executive Order No. 13057 (62 Fed.
 19 Reg. 41249) or a successor Executive order;

20 (3) the Lake Tahoe Basin Federal Advisory
 21 Committee established by the Secretary on Decem-
 22 ber 15, 1998 (64 Fed. Reg. 2876) (until the com-
 23 mittee is terminated);

1 (4) Federal representatives and all political sub-
2 divisions of the Lake Tahoe Basin Management
3 Unit; and

4 (5) the Lake Tahoe Transportation and Water
5 Quality Coalition.

6 (b) DUTIES.—The Secretary shall consult with and
7 seek advice and recommendations from the entities de-
8 scribed in subsection (a) with respect to—

9 (1) the administration of the Lake Tahoe Basin
10 Management Unit;

11 (2) the development of the priority list;

12 (3) the promotion of consistent policies and
13 strategies to address the Lake Tahoe basin's envi-
14 ronmental and recreational concerns;

15 (4) the coordination of the various programs,
16 projects, and activities relating to the environment
17 and recreation in the Lake Tahoe basin to avoid un-
18 necessary duplication and inefficiencies of Federal,
19 State, local, tribal, and private efforts; and

20 (5) the coordination of scientific resources and
21 data, for the purpose of obtaining the best available
22 science as a basis for decisionmaking on an ongoing
23 basis.

1 **SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

2 ~~(a) IN GENERAL.~~—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall develop
4 a priority list of potential or proposed environmental res-
5 toration projects for the Lake Tahoe basin.

6 ~~(b) DEVELOPMENT OF PRIORITY LIST.~~—In devel-
7 oping the priority list, the Secretary shall—

8 ~~(1)~~ use the best available science, including any
9 relevant findings and recommendations of the water-
10 shed assessment conducted by the Forest Service in
11 the Lake Tahoe basin; and

12 ~~(2)~~ include, in order of priority, potential or
13 proposed environmental restoration projects in the
14 Lake Tahoe basin that—

15 ~~(A)~~ are included in or are consistent with
16 the environmental improvement program adopt-
17 ed by the Planning Agency in February 1998
18 and amendments to the program;

19 ~~(B)~~ would help to achieve and maintain the
20 environmental threshold carrying capacities
21 for—

22 ~~(i)~~ air quality;

23 ~~(ii)~~ fisheries;

24 ~~(iii)~~ noise;

25 ~~(iv)~~ recreation;

26 ~~(v)~~ scenic resources;

- 1 (vi) soil conservation;
- 2 (vii) forest health;
- 3 (viii) water quality; and
- 4 (ix) wildlife;

5 (3) in determining the order of priority of po-
6 tential and proposed environmental restoration
7 projects under paragraph (2), the focus shall ad-
8 dress projects (listed in no particular order)
9 involving—

10 (A) erosion and sediment control, including
11 the activities described in section 2(g) of Public
12 Law 96-586 (94 Stat. 3381) (as amended by
13 section 7);

14 (B) the acquisition of environmentally sen-
15 sitive land from willing sellers under Public
16 Law 96-586 (94 Stat. 3381) or land acqui-
17 sition under any other Federal law;

18 (C) fire risk reduction activities in urban
19 areas and urban-wildland interface areas, in-
20 cluding high recreational use areas and urban
21 lots acquired from willing sellers under Public
22 Law 96-586 (94 Stat. 3381);

23 (D) cleaning up methyl tertiary butyl ether
24 contamination; and

(E) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(i) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(ii) the Highway 28 and 89 corridors and parking problems in the area; and

(iii) cooperation with local public transportation systems, including—

(I) the Coordinated Transit System; and

(II) public transit systems on the north shore of Lake Tahoe.

(c) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(d) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amend-

1 ments to the memorandum as long as the memorandum
 2 remains in effect.

3 ~~(e) REVIEW OF PRIORITY LIST.~~—Periodically, but
 4 not less often than every 3 years, the Secretary shall—

5 ~~(1) review the priority list;~~

6 ~~(2) consult with—~~

7 ~~(A) the Tahoe Regional Planning Agency;~~

8 ~~(B) interested political subdivisions; and~~

9 ~~(C) the Lake Tahoe Water Quality and~~
 10 ~~Transportation Coalition; and~~

11 ~~(3) make any necessary changes with respect~~
 12 ~~to—~~

13 ~~(A) the findings of scientific research and~~
 14 ~~monitoring in the Lake Tahoe basin;~~

15 ~~(B) any change in an environmental~~
 16 ~~threshold as determined by the Planning Agen-~~
 17 ~~ey;~~

18 ~~(C) any change in general environmental~~
 19 ~~conditions in the Lake Tahoe basin; and~~

20 ~~(D) submit to Congress a report on any~~
 21 ~~changes made.~~

22 ~~(f) CLEANUP OF HYDROCARBON CONTAMINATION.—~~

23 ~~(1) IN GENERAL.~~—The Secretary shall make a
 24 ~~payment of \$1,000,000 to the Tahoe Regional Plan-~~
 25 ~~ning Agency and the South Tahoe Public Utility~~

1 District to develop and publish a plan, not later than
 2 1 year after the date of enactment of this Act, for
 3 the prevention and cleanup of hydrocarbon contami-
 4 nation (including contamination with MTBE) of the
 5 surface water and ground water of the Lake Tahoe
 6 basin.

7 (2) CONSULTATION.—In developing the plan,
 8 the Tahoe Regional Planning Agency and the South
 9 Tahoe Public Utility District shall consult with the
 10 States of California and Nevada and appropriate po-
 11 litical subdivisions.

12 (3) WILLING SELLERS.—The plan shall not in-
 13 clude any acquisition of land or an interest in land
 14 except an acquisition from a willing seller.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated, for the implementation of
 17 projects on the priority list, \$20,000,000 for the first fis-
 18 cal year that begins after the date of enactment of this
 19 Act and for each of the 9 fiscal years thereafter.

20 **SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.**

21 Section 2 of Public Law 96-586 (94 Stat. 3381) is
 22 amended by striking subsection (g) and inserting the fol-
 23 lowing:

24 “(g) PAYMENTS TO LOCALITIES.—

1 “(1) IN GENERAL.—The Secretary of Agri-
 2 culture shall make annual payments to the gov-
 3 erning bodies of each of the political subdivisions
 4 (including any public utility the service area of
 5 which includes any part of the Lake Tahoe basin),
 6 any portion of which is located in the area depicted
 7 on the final map filed under section 3(a).

8 “(2) USE OF PAYMENTS.—Payments under this
 9 subsection may be used—

10 “(A) first, for erosion control and water
 11 quality projects; and

12 “(B) second, unless emergency projects
 13 arise, for projects to address other threshold
 14 categories after thresholds for water quality and
 15 soil conservation have been achieved and main-
 16 tained.

17 “(3) ELIGIBILITY FOR PAYMENTS.—

18 “(A) IN GENERAL.—To be eligible for a
 19 payment under this subsection, a political sub-
 20 division shall annually submit a priority list of
 21 proposed projects to the Secretary of Agri-
 22 culture.

23 “(B) COMPONENTS OF LIST.—A priority
 24 list under subparagraph (A) shall include, for
 25 each proposed project listed—

1 “(i) a description of the need for the
2 project;

3 “(ii) all projected costs and benefits;
4 and

5 “(iii) a detailed budget.

6 “(C) USE OF PAYMENTS.—A payment
7 under this subsection shall be used only to
8 carry out a project or proposed project that is
9 part of the environmental improvement pro-
10 gram adopted by the Tahoe Regional Planning
11 Agency in February 1998 and amendments to
12 the program.

13 “(D) FEDERAL OBLIGATION.—All projects
14 funded under this subsection shall be part of
15 Federal obligation under the environmental im-
16 provement program.

17 “(4) DIVISION OF FUNDS.—

18 “(A) IN GENERAL.—The total amounts ap-
19 propriated for payments under this subsection
20 shall be allocated by the Secretary of Agri-
21 culture based on the relative need for and mer-
22 its of projects proposed for payment under this
23 section.

24 “(B) MINIMUM.—To the maximum extent
25 practicable, for each fiscal year, the Secretary

1 of Agriculture shall ensure that each political
 2 subdivision in the Lake Tahoe basin receives
 3 amounts appropriated for payments under this
 4 subsection.

5 “(5) AUTHORIZATION OF APPROPRIATIONS.—In
 6 addition to the amounts authorized to be appro-
 7 priated to carry out section 6 of the Lake Tahoe
 8 Restoration Act, there is authorized to be appro-
 9 priated for making payments under this subsection
 10 \$10,000,000 for the first fiscal year that begins
 11 after the date of enactment of this paragraph and
 12 for each of the 9 fiscal years thereafter.”.

13 **SEC. 8. FIRE RISK REDUCTION ACTIVITIES.**

14 (a) IN GENERAL.—In conducting fire risk reduction
 15 activities in the Lake Tahoe basin, the Secretary shall, as
 16 appropriate, coordinate with State and local agencies and
 17 organizations, including local fire departments and volun-
 18 teer groups.

19 (b) GROUND DISTURBANCE.—The Secretary shall, to
 20 the maximum extent practicable, minimize any ground dis-
 21 turbances caused by fire risk reduction activities.

22 **SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.**

23 (a) IN GENERAL.—Funds authorized under this Act
 24 and the amendment made by this Act—

1 (1) shall be in addition to any other amounts
2 available to the Secretary for expenditure in the
3 Lake Tahoe basin; and

4 (2) shall not be drawn from an appropriation
5 for any other unit of the National Forest System.

6 (b) ~~MATCHING REQUIREMENT.~~—Except as provided
7 in subsection (c), funds for activities under section 6 of
8 this Act and section 2(g) of Public Law 96–586 (94 Stat.
9 3381) shall be available for obligation on a 1-to-1 basis
10 with funding of restoration activities in the Lake Tahoe
11 basin by the States of California and Nevada.

12 (c) ~~RELOCATION COSTS.~~—The Secretary shall pro-
13 vide $\frac{2}{3}$ of necessary funding to local utility districts for
14 the costs of relocating facilities in connection with environ-
15 mental restoration projects under section 6 and erosion
16 control projects under section 2 of Public Law 96–586.

17 **SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.**

18 Section 3(a) of Public Law 96–586 (94 Stat. 3383)
19 is amended by adding at the end the following:

20 “(5) ~~WILLING SELLERS.~~—Land within the
21 Lake Tahoe Basin Management Unit subject to ac-
22 quisition under this section that is owned by a pri-
23 vate person shall be acquired only from a willing
24 seller.”.

1 **SEC. 11. RELATIONSHIP TO OTHER LAWS.**

2 Nothing in this Act exempts the Secretary from the
3 duty to comply with any applicable Federal law.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Lake Tahoe Restoration*
9 *Act”.*

10 **SEC. 2. FINDINGS AND PURPOSES.**

11 (a) *FINDINGS.*—Congress finds that—

12 (1) *Lake Tahoe, one of the largest, deepest, and*
13 *clearest lakes in the world, has a cobalt blue color, a*
14 *unique alpine setting, and remarkable water clarity,*
15 *and is recognized nationally and worldwide as a nat-*
16 *ural resource of special significance;*

17 (2) *in addition to being a scenic and ecological*
18 *treasure, Lake Tahoe is one of the outstanding rec-*
19 *reational resources of the United States, offering ski-*
20 *ing, water sports, biking, camping, and hiking to mil-*
21 *lions of visitors each year, and contributing signifi-*
22 *cantly to the economies of California, Nevada, and the*
23 *United States;*

24 (3) *the economy in the Lake Tahoe basin is de-*
25 *pendent on the protection and restoration of the nat-*
26 *ural beauty and recreation opportunities in the area;*

1 (4) *Lake Tahoe is in the midst of an environ-*
2 *mental crisis; the Lake's water clarity has declined*
3 *from a visibility level of 105 feet in 1967 to only 70*
4 *feet in 1999, and scientific estimates indicate that if*
5 *the water quality at the Lake continues to degrade,*
6 *Lake Tahoe will lose its famous clarity in only 30*
7 *years;*

8 (5) *sediment and algae-nourishing phosphorous*
9 *and nitrogen continue to flow into the Lake from a*
10 *variety of sources, including land erosion, fertilizers,*
11 *air pollution, urban runoff, highway drainage,*
12 *streamside erosion, land disturbance, and ground*
13 *water flow;*

14 (6) *methyl tertiary butyl ether—*

15 (A) *has contaminated and closed more than*
16 $\frac{1}{3}$ *of the wells in South Tahoe; and*

17 (B) *is advancing on the Lake at a rate of*
18 *approximately 9 feet per day;*

19 (7) *destruction of wetlands, wet meadows, and*
20 *stream zone habitat has compromised the Lake's abil-*
21 *ity to cleanse itself of pollutants;*

22 (8) *approximately 40 percent of the trees in the*
23 *Lake Tahoe basin are either dead or dying, and the*
24 *increased quantity of combustible forest fuels has sig-*

1 *nificantly increased the risk of catastrophic forest fire*
2 *in the Lake Tahoe basin;*

3 *(9) as the largest land manager in the Lake*
4 *Tahoe basin, with 77 percent of the land, the Federal*
5 *Government has a unique responsibility for restoring*
6 *environmental health to Lake Tahoe;*

7 *(10) the Federal Government has a long history*
8 *of environmental preservation at Lake Tahoe,*
9 *including—*

10 *(A) congressional consent to the establish-*
11 *ment of the Tahoe Regional Planning Agency in*
12 *1969 (Public Law 91-148; 83 Stat. 360) and in*
13 *1980 (Public Law 96-551; 94 Stat. 3233);*

14 *(B) the establishment of the Lake Tahoe*
15 *Basin Management Unit in 1973; and*

16 *(C) the enactment of Public Law 96-586*
17 *(94 Stat. 3381) in 1980 to provide for the acqui-*
18 *sition of environmentally sensitive land and ero-*
19 *sion control grants;*

20 *(11) the President renewed the Federal Govern-*
21 *ment's commitment to Lake Tahoe in 1997 at the*
22 *Lake Tahoe Presidential Forum, when he committed*
23 *to increased Federal resources for environmental res-*
24 *toration at Lake Tahoe and established the Federal*
25 *Interagency Partnership and Federal Advisory Com-*

mittee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional \$20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration

activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.**—The term “environmental threshold carrying capacity” has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

(2) **FIRE RISK REDUCTION ACTIVITY.**—

(A) **IN GENERAL.**—The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning

1 *Agency in a manner consistent, where applica-*
 2 *ble, with chapter 71 of the Tahoe Regional Plan-*
 3 *ning Agency Code of Ordinances.*

4 *(B) INCLUDED ACTIVITIES.—The term “fire*
 5 *risk reduction activity” includes—*

6 *(i) prescribed burning;*

7 *(ii) mechanical treatment;*

8 *(iii) road obliteration or reconstruc-*
 9 *tion; and*

10 *(iv) such other activities consistent*
 11 *with Forest Service practices as the Sec-*
 12 *retary determines to be appropriate.*

13 *(3) PLANNING AGENCY.—The term “Planning*
 14 *Agency” means the Tahoe Regional Planning Agency*
 15 *established under Public Law 91–148 (83 Stat. 360)*
 16 *and Public Law 96–551 (94 Stat. 3233).*

17 *(4) PRIORITY LIST.—The term “priority list”*
 18 *means the environmental restoration priority list de-*
 19 *veloped under section 6.*

20 *(5) SECRETARY.—The term “Secretary” means*
 21 *the Secretary of Agriculture, acting through the Chief*
 22 *of the Forest Service.*

1 **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MAN-**
 2 **AGEMENT UNIT.**

3 (a) *IN GENERAL.*—*The Lake Tahoe Basin Manage-*
 4 *ment Unit shall be administered by the Secretary in accord-*
 5 *ance with this Act and the laws applicable to the National*
 6 *Forest System.*

7 (b) *RELATIONSHIP TO OTHER AUTHORITY.*—

8 (1) *PRIVATE OR NON-FEDERAL LAND.*—*Nothing*
 9 *in this Act grants regulatory authority to the Sec-*
 10 *retary over private or other non-Federal land.*

11 (2) *PLANNING AGENCY.*—*Nothing in this Act af-*
 12 *fects or increases the authority of the Planning Agen-*
 13 *cy.*

14 (3) *ACQUISITION UNDER OTHER LAW.*—*Nothing*
 15 *in this Act affects the authority of the Secretary to ac-*
 16 *quire land from willing sellers in the Lake Tahoe*
 17 *basin under any other law.*

18 **SEC. 5. CONSULTATION WITH PLANNING AGENCY AND**
 19 **OTHER ENTITIES.**

20 (a) *IN GENERAL.*—*With respect to the duties described*
 21 *in subsection (b), the Secretary shall consult with and seek*
 22 *the advice and recommendations of—*

23 (1) *the Planning Agency;*

24 (2) *the Tahoe Federal Interagency Partnership*
 25 *established by Executive Order No. 13057 (62 Fed.*
 26 *Reg. 41249) or a successor Executive order;*

1 (3) *the Lake Tahoe Basin Federal Advisory*
 2 *Committee established by the Secretary on December*
 3 *15, 1998 (64 Fed. Reg. 2876) (until the committee is*
 4 *terminated);*

5 (4) *Federal representatives and all political sub-*
 6 *divisions of the Lake Tahoe Basin Management Unit;*
 7 *and*

8 (5) *the Lake Tahoe Transportation and Water*
 9 *Quality Coalition.*

10 (b) *DUTIES.—The Secretary shall consult with and*
 11 *seek advice and recommendations from the entities described*
 12 *in subsection (a) with respect to—*

13 (1) *the administration of the Lake Tahoe Basin*
 14 *Management Unit;*

15 (2) *the development of the priority list;*

16 (3) *the promotion of consistent policies and*
 17 *strategies to address the Lake Tahoe basin’s environ-*
 18 *mental and recreational concerns;*

19 (4) *the coordination of the various programs,*
 20 *projects, and activities relating to the environment*
 21 *and recreation in the Lake Tahoe basin to avoid un-*
 22 *necessary duplication and inefficiencies of Federal,*
 23 *State, local, tribal, and private efforts; and*

24 (5) *the coordination of scientific resources and*
 25 *data, for the purpose of obtaining the best available*

1 *science as a basis for decisionmaking on an ongoing*
 2 *basis.*

3 **SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

4 *(a) IN GENERAL.—Not later than 1 year after the date*
 5 *of enactment of this Act, the Secretary shall develop a pri-*
 6 *ority list of potential or proposed environmental restoration*
 7 *projects for the Lake Tahoe Basin Management Unit.*

8 *(b) DEVELOPMENT OF PRIORITY LIST.—In developing*
 9 *the priority list, the Secretary shall—*

10 *(1) use the best available science, including any*
 11 *relevant findings and recommendations of the water-*
 12 *shed assessment conducted by the Forest Service in the*
 13 *Lake Tahoe basin; and*

14 *(2) include, in order of priority, potential or*
 15 *proposed environmental restoration projects in the*
 16 *Lake Tahoe basin that—*

17 *(A) are included in or are consistent with*
 18 *the environmental improvement program adopt-*
 19 *ed by the Planning Agency in February 1998*
 20 *and amendments to the program;*

21 *(B) would help to achieve and maintain the*
 22 *environmental threshold carrying capacities*
 23 *for—*

24 *(i) air quality;*

25 *(ii) fisheries;*

- 1 (iii) noise;
- 2 (iv) recreation;
- 3 (v) scenic resources;
- 4 (vi) soil conservation;
- 5 (vii) forest health;
- 6 (viii) water quality; and
- 7 (ix) wildlife;

8 (3) *in determining the order of priority of poten-*
 9 *tial and proposed environmental restoration projects*
 10 *under paragraph (2), the focus shall address projects*
 11 *(listed in no particular order) involving—*

12 (A) *erosion and sediment control, including*
 13 *the activities described in section 2(g) of Public*
 14 *Law 96–586 (94 Stat. 3381) (as amended by sec-*
 15 *tion 7 of this Act);*

16 (B) *the acquisition of environmentally sen-*
 17 *sitive land from willing sellers under Public Law*
 18 *96–586 (94 Stat. 3381) or land acquisition*
 19 *under any other Federal law;*

20 (C) *fire risk reduction activities in urban*
 21 *areas and urban-wildland interface areas, in-*
 22 *cluding high recreational use areas and urban*
 23 *lots acquired from willing sellers under Public*
 24 *Law 96–586 (94 Stat. 3381);*

1 (D) cleaning up methyl tertiary butyl ether
2 contamination; and

3 (E) the management of vehicular parking
4 and traffic in the Lake Tahoe Basin Manage-
5 ment Unit, especially—

6 (i) improvement of public access to the
7 Lake Tahoe basin, including the promotion
8 of alternatives to the private automobile;

9 (ii) the Highway 28 and 89 corridors
10 and parking problems in the area; and

11 (iii) cooperation with local public
12 transportation systems, including—

13 (I) the Coordinated Transit Sys-
14 tem; and

15 (II) public transit systems on the
16 north shore of Lake Tahoe.

17 (c) MONITORING.—The Secretary shall provide for con-
18 tinuous scientific research on and monitoring of the imple-
19 mentation of projects on the priority list, including the sta-
20 tus of the achievement and maintenance of environmental
21 threshold carrying capacities.

22 (d) CONSISTENCY WITH MEMORANDUM OF UNDER-
23 STANDING.—A project on the priority list shall be conducted
24 in accordance with the memorandum of understanding
25 signed by the Forest Supervisor and the Planning Agency

1 on November 10, 1989, including any amendments to the
 2 memorandum as long as the memorandum remains in ef-
 3 fect.

4 (e) *REVIEW OF PRIORITY LIST.*—Periodically, but not
 5 less often than every 3 years, the Secretary shall—

6 (1) review the priority list;

7 (2) consult with—

8 (A) the Tahoe Regional Planning Agency;

9 (B) interested political subdivisions; and

10 (C) the Lake Tahoe Water Quality and
 11 Transportation Coalition; and

12 (3) make any necessary changes with respect
 13 to—

14 (A) the findings of scientific research and
 15 monitoring in the Lake Tahoe basin;

16 (B) any change in an environmental thresh-
 17 old as determined by the Planning Agency;

18 (C) any change in general environmental
 19 conditions in the Lake Tahoe basin; and

20 (D) submit to Congress a report on any
 21 changes made.

22 (f) *CLEANUP OF HYDROCARBON CONTAMINATION.*—

23 (1) *IN GENERAL.*—The Secretary shall, subject to
 24 the availability of appropriations, make a payment of
 25 \$1,000,000 to the Tahoe Regional Planning Agency

1 *and the South Tahoe Public Utility District to de-*
 2 *velop and publish a plan, not later than 1 year after*
 3 *the date of enactment of this Act, for the prevention*
 4 *and cleanup of hydrocarbon contamination (includ-*
 5 *ing contamination with MTBE) of the surface water*
 6 *and ground water of the Lake Tahoe basin.*

7 (2) *CONSULTATION.*—*In developing the plan, the*
 8 *Tahoe Regional Planning Agency and the South*
 9 *Tahoe Public Utility District shall consult with the*
 10 *States of California and Nevada and appropriate po-*
 11 *litical subdivisions.*

12 (3) *WILLING SELLERS.*—*The plan shall not in-*
 13 *clude any acquisition of land or an interest in land*
 14 *except an acquisition from a willing seller.*

15 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 16 *authorized to be appropriated, for the implementation of*
 17 *projects on the priority list and the payment identified in*
 18 *subsection (f), \$20,000,000 for the first fiscal year that be-*
 19 *gins after the date of enactment of this Act and for each*
 20 *of the 9 fiscal years thereafter.*

21 **SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.**

22 *Section 2 of Public Law 96–586 (94 Stat. 3381) is*
 23 *amended by striking subsection (g) and inserting the fol-*
 24 *lowing:*

25 “(g) *PAYMENTS TO LOCALITIES.*—

1 “(1) *IN GENERAL.*—*The Secretary of Agriculture*
 2 *shall, subject to the availability of appropriations,*
 3 *make annual payments to the governing bodies of*
 4 *each of the political subdivisions (including any pub-*
 5 *lic utility the service area of which includes any part*
 6 *of the Lake Tahoe basin), any portion of which is lo-*
 7 *cated in the area depicted on the final map filed*
 8 *under section 3(a).*

9 “(2) *USE OF PAYMENTS.*—*Payments under this*
 10 *subsection may be used—*

11 “(A) *first, for erosion control and water*
 12 *quality projects; and*

13 “(B) *second, unless emergency projects*
 14 *arise, for projects to address other threshold cat-*
 15 *egories after thresholds for water quality and soil*
 16 *conservation have been achieved and maintained.*

17 “(3) *ELIGIBILITY FOR PAYMENTS.*—

18 “(A) *IN GENERAL.*—*To be eligible for a*
 19 *payment under this subsection, a political sub-*
 20 *division shall annually submit a priority list of*
 21 *proposed projects to the Secretary of Agriculture.*

22 “(B) *COMPONENTS OF LIST.*—*A priority*
 23 *list under subparagraph (A) shall include, for*
 24 *each proposed project listed—*

1 “(i) a description of the need for the
2 project;

3 “(ii) all projected costs and benefits;
4 and

5 “(iii) a detailed budget.

6 “(C) *USE OF PAYMENTS.*—A payment
7 under this subsection shall be used only to carry
8 out a project or proposed project that is part of
9 the environmental improvement program adopt-
10 ed by the Tahoe Regional Planning Agency in
11 February 1998 and amendments to the program.

12 “(D) *FEDERAL OBLIGATION.*—All projects
13 funded under this subsection shall be part of
14 Federal obligation under the enviromental
15 improvment program.

16 “(4) *DIVISION OF FUNDS.*—

17 “(A) *IN GENERAL.*—The total amounts ap-
18 propriated for payments under this subsection
19 shall be allocated by the Secretary of Agriculture
20 based on the relative need for and merits of
21 projects proposed for payment under this section.

22 “(B) *MINIMUM.*—To the maximum extent
23 practicable, for each fiscal year, the Secretary of
24 Agriculture shall ensure that each political sub-
25 division in the Lake Tahoe basin receives

1 *amounts appropriated for payments under this*
 2 *subsection.*

3 “(5) *AUTHORIZATION OF APPROPRIATIONS.—In*
 4 *addition to the amounts authorized to be appro-*
 5 *priated to carry out section 6 of the Lake Tahoe Res-*
 6 *toration Act, there is authorized to be appropriated*
 7 *for making payments under this subsection*
 8 *\$10,000,000 for the first fiscal year that begins after*
 9 *the date of enactment of this paragraph and for each*
 10 *of the 9 fiscal years thereafter.”.*

11 **SEC. 8. FIRE RISK REDUCTION ACTIVITIES.**

12 (a) *IN GENERAL.—In conducting fire risk reduction*
 13 *activities in the Lake Tahoe basin, the Secretary shall, as*
 14 *appropriate, coordinate with State and local agencies and*
 15 *organizations, including local fire departments and volun-*
 16 *teer groups.*

17 (b) *GROUND DISTURBANCE.—The Secretary shall, to*
 18 *the maximum extent practicable, minimize any ground dis-*
 19 *turbances caused by fire risk reduction activities.*

20 **SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.**

21 (a) *IN GENERAL.—Funds authorized under this Act*
 22 *and the amendment made by this Act—*

23 (1) *shall be in addition to any other amounts*
 24 *available to the Secretary for expenditure in the Lake*
 25 *Tahoe basin; and*

1 (2) *shall not reduce allocations for other Regions*
 2 *of the Forest Service.*

3 (b) *MATCHING REQUIREMENT.—Except as provided in*
 4 *subsection (c), funds for activities under section 6 and sec-*
 5 *tion 7 of this Act shall be available for obligation on a 1-*
 6 *to-1 basis with funding of restoration activities in the Lake*
 7 *Tahoe basin by the States of California and Nevada.*

8 (c) *RELOCATION COSTS.—The Secretary shall provide*
 9 $\frac{2}{3}$ *of necessary funding to local utility districts for the costs*
 10 *of relocating facilities in connection with environmental*
 11 *restoration projects under section 6 and erosion control*
 12 *projects under section 2 of Public Law 96–586.*

13 **SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.**

14 *Section 3(a) of Public Law 96–586 (94 Stat. 3383)*
 15 *is amended by adding at the end the following:*

16 “(5) *WILLING SELLERS.—Land within the Lake*
 17 *Tahoe Basin Management Unit subject to acquisition*
 18 *under this section that is owned by a private person*
 19 *shall be acquired only from a willing seller.”.*

20 **SEC. 11. RELATIONSHIP TO OTHER LAWS.**

21 *Nothing in this Act exempts the Secretary from the*
 22 *duty to comply with any applicable Federal law.*

23 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

24 *There are authorized to be appropriated such sums as*
 25 *are necessary to carry out this Act.*

Calendar No. 790

106TH CONGRESS
2D SESSION

S. 1925

[Report No. 106-400]

A BILL

To promote environmental restoration around the
Lake Tahoe basin.

SEPTEMBER 7, 2000

Reported with an amendment